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09400HB4188ham001

LRB094 14309 RLC 55224 a

1 AMENDMENT TO HOUSE BILL 4188

2 AMENDMENT NO. _____. Amend House Bill 4188 on page 1, line
3 6, by replacing "Section" with "Sections 2-103.5 and"; and

4 on page 1, by replacing lines 14 through 20 with the following:

5 "(b) Nothing in this Act shall be construed to supersede:
6 (1) federal or State laws, rules, or regulations that require
7 inquiry into criminal conviction records or (2) any other law
8 of this State that: (A) restricts or prohibits the employment
9 or licensing of some or all ex-offenders in particular
10 occupations or positions; or (B) restricts or prohibits some or
11 all ex-offenders from residing in or being present at
12 particular locations or places; or (C) places other
13 restrictions or prohibitions upon some or all ex-offenders. The
14 provisions set out in Section 2-103.5 of this Act apply to the
15 hiring of ex-offenders."; and

16 on page 2, line 2, by inserting after the period the following:

17 "Unlawful discrimination on the basis of ex-offender status
18 does not include the refusal to enter into a real estate
19 transaction or to offer a public accommodation because entering
20 into the transaction or offering the public accommodation would
21 involve an unreasonable risk to property or to the safety or
22 welfare of specific individuals or the general public. Unlawful
23 discrimination on the basis of ex-offender status does not
24 include the refusal to enter into a financial credit

1 transaction because there is a direct relationship between one
2 or more of the previous criminal offenses and the risk exposure
3 to the creditor, or the entering into the transaction would
4 involve an unreasonable risk to property or to the safety or
5 welfare of specific individuals or the general public."; and

6 on page 3, by replacing line 36 with the following:

7 "or placed on supervision or convicted of an ordinance
8 violation."; and

9 on page 4, by deleting lines 1 through 3; and

10 on page 5, by inserting immediately below line 35 the
11 following:

12 "(775 ILCS 5/2-103.5 new)

13 Sec. 2-103.5. Conviction record.

14 (A) Unless otherwise authorized by law, this Act expressly
15 bars any private or public entity or employer from
16 discriminating in professional or occupational registration,
17 licensure, or certification or the revocation of professional
18 or occupational registration, licensure, or certification on
19 the basis of status as an ex-offender unless:

20 (1) there is a direct relationship between one or more
21 of the previous criminal offenses and the professional or
22 occupational registration, licensure, or certification or
23 revocation of professional or occupational registration,
24 licensure, or certification; or

25 (2) the granting of the professional or occupational
26 registration, licensure, or certification would involve an
27 unreasonable risk to property or to the safety or welfare
28 of specific individuals or the general public.

29 (B) Unless otherwise authorized by law, it is a civil
30 rights violation for any employer, employment agency, or labor

1 organization to refuse to hire an applicant because the
2 applicant has previously been convicted of one or more criminal
3 offenses, or by reason of a finding of lack of good moral
4 character when the finding is based upon the fact that the
5 applicant has previously been convicted of one or more criminal
6 offenses, unless: (1) there is a direct relationship between
7 one or more of the previous criminal offenses and the
8 employment sought; or (2) the granting of the employment would
9 involve an unreasonable risk to property or to the safety or
10 welfare of specific individuals or the general public.

11 (C) The prohibition against the use of a conviction record
12 contained in this Section shall not be construed to prohibit an
13 employer, employment agency, or labor organization from
14 terminating or denying employment to an individual who
15 intentionally misrepresented or concealed his or her history of
16 criminal convictions to the employer, employment agency, or
17 labor organization.

18 (D) In making an employment determination under subsection
19 (B), the employer, employment agency, or labor organization
20 shall consider the following factors: (1) the public policy of
21 this State, as expressed in this Act, to encourage the
22 employment of persons previously convicted of one or more
23 criminal offenses; (2) the specific duties and
24 responsibilities necessarily related to the employment sought;
25 (3) the bearing, if any, the criminal offense or offenses for
26 which the person was previously convicted will have on his or
27 her fitness or ability to perform one or more such duties or
28 responsibilities; (4) the time which has elapsed since the
29 occurrence of the criminal offense or offenses; (5) the age of
30 the person at the time of occurrence of the criminal offense or
31 offenses; (6) the seriousness of the offense or offenses; (7)
32 any information produced by the person, or produced on his or
33 her behalf, in regard to his or her rehabilitation and good
34 conduct; and (8) the legitimate interest of the employer,

1 employment agency, or labor organization in protecting
2 property, and the safety and welfare of specific individuals or
3 the general public. In making a determination under the factors
4 in this subsection (D), the employer, employment agency, or
5 labor organization shall also give consideration to a
6 certificate of relief from disabilities or a certificate of
7 good conduct issued to the ex-offender, which certificate shall
8 create a presumption of rehabilitation in regard to the offense
9 or offenses specified in the certificate.

10 (E) Conditional offer of employment. Unless otherwise
11 authorized by law, it is a civil rights violation for any
12 employer, employment agency, or labor organization to inquire
13 into and consider conviction records for a prospective employee
14 prior to making a conditional offer of employment which may be
15 withdrawn if: (1) there is a direct relationship between one or
16 more of the previous criminal offenses and the employment
17 sought; or (2) the granting of the employment would involve an
18 unreasonable risk to property or to the safety or welfare of
19 specific individuals or the general public.

20 (F) Denial of employment due to criminal history record
21 information. If the decision not to hire the applicant is based
22 in whole or in part on the criminal history record information,
23 the employer, employment agency, or labor organization shall
24 notify the applicant in writing of the decision, as well as the
25 applicant's right to review the criminal history information
26 used to make the determination, within 14 business days after
27 the decision not to hire has been made. Upon request from the
28 applicant, the employer, employment agency, or labor
29 organization shall provide the applicant with a copy of the
30 written materials relied upon which relate to the criminal
31 history information within 30 business days after the
32 request."